

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS ALLEN GORDON,

Plaintiff,

v.

JOE BARNETT, *et al*,

Defendants.

Case No. C03-5524KLS

ORDER GRANTING
PLAINTIFF'S MOTION FOR
STAY OF PROCEEDINGS

This matter is before the Court on plaintiff's filing of a motion for stay of proceedings. (Dkt. #111). After reviewing plaintiff's motion, defendants' response and the remaining record, the Court hereby finds and ORDERS:

On November 25, 2005, plaintiff filed his motion and a supporting affidavit, requesting a stay in this matter because he is unable to gain access to a law library for the purpose of prosecuting this and other civil causes of action he currently had pending. (Dkt. #111 and #112). That motion was noted for December 16, 2005, but no response had been received from defendants, although it seemed they were served with it. (Dkt. #113).

Because the deadline for completing discovery was March 5, 2006 (Dkt. #114), plaintiff's motion appeared to be of some import. On January 25, 2006, the Court issued an order, informing the parties that before it could rule on plaintiff's motion, it required further briefing from them. (Dkt. #116). The Court ordered plaintiff to file a supplement to his motion specifying the length of the stay he desired, explaining why that amount of time was necessary. The Court further ordered defendants to respond to plaintiff's

1 motion and any supplement thereto.

2 On February 13, 2006, plaintiff responded to the Court's order, informing the court that he was a
3 pretrial detainee at the Multnomah County Detention Center, located in Portland, Oregon, that he was
4 being denied access to law library materials and resources with which to draft legal documents, and that he
5 was facing "capital charges" and needed to prepare for his trial. (Dkt. #117). Plaintiff requested that he be
6 granted a stay for a period of a minimum of one year.

7 In their response, defendants stated that this case "likely" would have to be tried, that plaintiff
8 indeed "is currently in custody in Multnomah County, Oregon, charged with the crime of aggravated
9 murder in a case in which the death penalty is being sought, that his trial in Oregon is set for October,
10 2006, and that "[d]ue to the nature of the underlying charge, plaintiff is singled celled and not permitted
11 access to any portion of the Multnomah County Jail where he may have contact with other inmates,
12 including the law library." (Dkt. #119). As such, defendants do not object to a stay in this case through
13 October 2006.

14 Given this new information, the court finds a stay in this matter to be appropriate. While it may be
15 that plaintiff's capital trial currently may be set for October 2006, it is not clear exactly when that trial will
16 begin or how long it will last. Accordingly, the Court finds a one year stay in these proceedings to be
17 proper. To that extent, plaintiff's motion for stay of proceedings (Dkt. #111) hereby is **GRANTED**. The
18 proceedings in this matter hereby are **STAYED** until April 12, 2007. All pretrial and other deadlines in
19 this case are hereby **STRICKEN**, and shall be re-set by this Court after the stay has been lifted and this
20 matter has been re-commenced.

21 Plaintiff shall inform this Court **at least every six (6) months** concerning the status of his capital
22 case. Plaintiff thus shall file his first such update with this Court by **no later than September 12, 2006**,
23 and then every six months thereafter. If plaintiff's capital case is completed prior to the date the next six
24 month update is due, plaintiff shall inform the Court immediately of that fact.

25 The Clerk is directed to send copies of this Order to plaintiff and counsel for defendants.

26 DATED this 13th day of April, 2006.

27 

28 Karen L. Strombom
United States Magistrate Judge